IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.581 OF 2005

Smita Sachin Gargate
and Ors. ..Petitioners

Vs.

Sachin Shrikrishna Gargate
& Anr. ..Respondents

...

Mr.Umesh Mankapure for Petitioners
Mr.Manaji Purasnis i/b Mr.G.S.Godbole for Respondent no.1
Mr.Y.S.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 19,2005

P.C.

1. Heard the learned advocate for the Petitioners, learned advocate for the respondent no.1-original complainant and learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned Chief Judicial Magistrate, Satara in R.C.C.No.284 of 2004. In the said case

process is issued against the petitioners under Sections 406 and 409 r.w. 34 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. The learned advocate for the respondent no.1-compalinant fairly states that no objection will be raised in respect of delay in

filing the revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]